

Excerpts  
Planning Commission Minutes  
July 13, 2005

**Application No. UP-671-05, George Nice & Sons, Inc.** Request for a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize a home occupation with up to five (5) non-resident employees on a 92.8-acre parcel located at 143 Skimino Road and further identified as Assessor's Parcel No. 3-1-B. The proposed home occupation would be a home office for a contracting business. The property is zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

**Timothy Cross, AICP**, summarized the staff report to the Commission dated July 1, 2005 in which the staff recommended approval. **Mr. Cross** stated the applicant had relocated the home contracting business under the terms of his previously-approved Special Use Permit (Resolution No. R99-2[R], approved 1/20/99 and as subsequently amended by the Board of Supervisors), which expired in January 2005. However, because the applicant's planned office building in James City County has been delayed pending County approval, he is requesting to temporarily continue the existing home office use for up to two more years. To do so, it is necessary to obtain a new use permit because the home occupation employs non-resident employees.

**Mr. Ptasznik** inquired of the limited truck carrying capacity and how it might affect Mr. Nice's employees who drive personal pickup trucks exceeding a carrying capacity of one ton. **Mr. Cross** explained that the Zoning Ordinance sets a maximum one-ton load for any vehicle to be parked, stored on or operated from a property used as a home occupation.

**Chair Ptasznik** opened the public hearing.

**Mr. Brian Mitchell**, 109 Shady Bluff Point, Williamsburg, had no objection to the application, but he expressed concern that there be no expansion of heavy equipment storage on the site.

**Mr. Russ Gorgone**, 108 Shady Bluff Point, President, Skimino Landing Estates HOA, spoke for the residents of Skimino Landing Estates who are unanimous, he said, in favor of approval. Mr. Nice has been a good neighbor, maintains his property, helps out in the community, and the business has no ill effects on the community, according to **Mr. Gorgone**.

**Mr. Ray Nice** spoke in behalf of his application. He basically requested extra time because approval of his new facility in James City County is taking longer than expected.

**Mr. Ptasznik** asked if any of the applicant's employees drives a truck to the site that carries a gross weight over one ton. **Mr. Nice** replied that neither he nor any of the employees drives such a vehicle.

**Chair Ptasznik** closed the public hearing.

**Mr. Barba** understood the rationale for approving the use permit and was in favor of approval, and expressed regret the applicant's business would be moving out of the County.

**Mr. Hamilton** concurred with the opinion expressed by Mr. Barba.

**Mr. Staton** said he would support approval. **Mr. Ptasznik** agreed.

**Mr. Hamilton** moved to adopt proposed Resolution No. PC05-28.

Resolution No. PC05-28

On motion of Mr. Hamilton, which carried 5:0 (Conner and Davis absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT  
TO AUTHORIZE A CONTRACTOR OFFICE WITH UP TO FIVE (5) NON-  
RESIDENT EMPLOYEES AS A HOME OCCUPATION AT 143 SKIMINO ROAD

WHEREAS, George Nice & Sons, Inc. has submitted Application No. UP-671-05, which requests a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797) and further identified as Assessor's Parcel No. 3-1-B; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission had conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of July, 2005, that Application No. UP-671-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797), further identified as Assessor's Parcel No. 3-1-B (GPIN# 20b-4572-4798), subject to the following conditions:

1. This Special Use Permit shall authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797), further identified as Assessor's Parcel No. 3-1-B (GPIN# 20b-4572-4798).
2. The contractor office shall be operated in compliance with the standards set forth in Sections 24.1-281, *General Requirements for home occupations*, and 24.1-283, *Home occupations*

*permitted by special use permit*, of the York County Zoning Ordinance, except as modified herein.

3. No more than five (5) non-resident employees shall be permitted in connection with the home occupation.
4. No heavy truck or piece of equipment having a gross rated carrying capacity of more than one (1) ton gross weight shall be parked or stored on or operated from the subject property in connection with the home occupation.
5. This use permit shall expire two (2) years from the date of approval of this use permit.

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